



County of San Diego

DEPARTMENT OF PUBLIC WORKS

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MITIGATED NEGATIVE DECLARATION

April 10, 2009

Revised June 15, 2009

Project Name: Sweetwater Phase III Trail

Project Number(s): COFD-00251

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Biological Resource.

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

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2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

Biological Resources

- A. Impacts to southern willow riparian forest, southern cottonwood-willow riparian forest, southern willow scrub and coastal brackish marsh **within** the Sweetwater Onsite Mitigation Area (SWOMA) will be mitigated through restoration and enhancement of 0.131 acre of rogue trails (2:1 ratio) **within the SWOMA**. Restoration and enhancement will consist of trail closure and a replanting with native riparian species.
- B. Impacts to southern willow riparian forest, southern cottonwood-willow riparian forest, southern willow scrub and coastal brackish marsh **outside** of the SWOMA as well as all temporary impacts (inside and outside of SWOMA) will be mitigated through restoration and enhancement of 0.313 acre of rogue trails (1:1 ratio) either **within or outside of** the SWOMA. Restoration and enhancement will consist of trail closure and a replanting with native riparian species.
- C. Vegetation removal, grading, clearing, and any construction-related activities are restricted during the breeding season (February 1 to September 15 of any year) within 300 feet (500 feet for raptors) of natural habitat for types of raptors, least Bell's vireo, and other migratory birds. To reduce or avoid significant direct and indirect impacts to nesting raptor species, removal of trees or other potential nesting sites shall be avoided during the raptor breeding season of January 1 to August 30. If a qualified biologist determines that no nesting birds are within 300 feet (500 feet for raptors), construction may proceed with written concurrence from the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). Biological monitoring is required during construction to evaluate the potential for indirect impacts to raptors, migratory birds, and other sensitive biological resources ~~on-site~~ within SWOMA.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

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Aesthetics

In addition to the requirements outlined in the Light Pollution Code, the proposed project will control outdoor lighting and sources of glare as follows:

- The project will not install outdoor lighting that directly illuminates neighboring properties.
- The project will not install outdoor lighting that would cast a direct beam angle toward a potential observer, such as a motorist, cyclist, or pedestrian.
- The project will not install outdoor lighting for vertical surfaces such as buildings, landscaping or signs, in a manner that would result in useful light or spill light being cast beyond the boundaries of the intended area to be lit.
- The project will not install any highly reflective surfaces such as glare-producing glass or high-gloss surface color that will be visible along roadways, pedestrian walkways, or in the line of sight of adjacent properties.

Biological Resources

The following design measures are incorporated into the proposed project and will serve to avoid and minimize impacts to biological resources:

- Prior to the start of construction, all construction and staging area limits will be clearly identified with orange construction fencing to ensure that construction activities remain within the defined construction limits. A qualified biologist shall inspect the fencing prior to the start of construction and shall monitor activities during construction to avoid unauthorized impacts within SWOMA.
- During construction, all construction activities including, but not limited to, equipment storage, equipment cleaning, and stock piling, shall occur within the identified orange construction areas. All storage areas will be protected with the use of fiber rolls and/or silt fences. All construction staging areas shall be identified on site and construction plans.

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- Natural drainage patterns will be maintained to the extent practicable during construction activities. Erosion control techniques, including the use of gravel bags, hay bales, and/or the installation of sediment traps, will be incorporated into the erosion control plan for the proposed project.
- Best Management Practices (BMPs) will be implemented during construction activities, which include, but are not limited to, storm drain inlet protection, stabilized construction entrance/exit areas, and silt fencing. Silt fences and fiber rolls shall be used to minimize surface transport of sediments. ~~The construction contractor will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP).~~ Implementation of BMPs as stated in the construction contract and ~~SWPPP~~ would reduce water quality impacts to below a level of significance.
- The use of motorized vehicles on trails shall be prohibited, except for wheelchairs, maintenance, and emergency vehicles.
- Physical and/or visual barriers shall be incorporated to protect sensitive habitats, sensitive species, and wetland habitats by directing users to designated trails using natural vegetation, topography, limited fencing, trail markers and signage.
- Foot traffic, equestrian activity, and bicycling are allowed only on designated trails.
- Dogs must be leashed at all times and are restricted to designated trails.
- To prevent potential dust damage to vegetation in the conserved habitat, spraying the construction site with water shall be conducted on an as-needed basis.
- The release or transplantation of non-native animals, fish, or vegetation is prohibited. No collection of plants, plant material, wildlife, or historical artifacts is allowed.
- Trail lighting should not be permitted within wildlife habitat except where essential for roadways, facility use, and safety. Lighting within wildlife habitat or along its

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edges should be limited to low pressure sodium sources directed away and shielded from wildlife habitat.

- Trails within the SWOMA will be five feet in width in order to minimize impacts to the mitigation area.
- Directed surveys for Singlewhorl burrobrush (*Ambrosia monogyra*) and San Diego sagewort (*Artemisia palmeri*) will be conducted during the Spring season prior to the beginning of construction to determine if these or other sensitive spring-blooming plant species are present within the trail project footprint.

Water Quality

- As part of the proposed project, an erosion control plan will be prepared and implemented with erosion control techniques, including the use of gravel bags, hay bales, and/or the installation of sediment traps. In addition, Best Management Practices (BMPs) will be implemented during construction activities to avoid water quality impacts, polluted runoff, erosion, and sedimentation. BMPs include, but are not limited to, storm drain inlet protection, stabilized construction entrance/exit areas, and silt fencing. Silt fences and fiber rolls will be used to minimize surface transport of sediments. The construction contractor will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP).

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

County of San Diego, Department of Public Works

on June 12, 2009


for JOHN SNYDER, Director
Department of Public Works

NEO:lb

Exhibit 3: Mitigated Negative Declaration and Mitigation Monitoring Plan

**MITIGATION MONITORING PROGRAM
MITIGATED NEGATIVE DECLARATION
FOR
SWEETWATER PHASE III TRAIL PROJECT
IA#COFD-00251
State Clearinghouse # 2009041068**

Prepared for:

County of San Diego
Department of Parks and Recreation
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Prepared by:

County of San Diego
Department of Public Works
Environmental Services Unit
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June 2009

**MITIGATION MONITORING PROGRAM
SWEETWATER PHASE III TRAIL PROJECT**

Mitigation measures have been identified in the Mitigated Negative Declaration for the Sweetwater Phase III Trail Project to reduce or eliminate potential environmental impacts. The County of San Diego (County) is required to implement all adopted mitigation measures. In order to ensure compliance, the following mitigation monitoring program has been formulated. This program consists of a checklist followed by a detailed description of the mitigation measures.

These improvements will benefit the public by creating recreational opportunities in the unincorporated community of Bonita.

A mitigation checklist has been prepared for the project. Table 1 summarizes the mitigation measures for the Sweetwater Phase III Trail Project. Information contained within the checklist clearly identifies the mitigation measure, delineates the monitoring schedule, and defines the conditions required to verify compliance. Following is an explanation of the seven columns that constitute the checklist.

- Column 1** **Mitigation Measure:** An inventory of each mitigation measure is provided with a brief description.
- Column 2** **Type:** Each mitigation measure is classified as Project Design Mitigation (PD), Ongoing Mitigation (OM), or Long-Term Mitigation (LT) based upon the following definitions:
- Project Design Mitigation - mitigation that has been incorporated into the project design (e.g., dust control measures, traffic control plan, landscape plan);
 - Ongoing Mitigation - mitigation associated with the project over a period of time (e.g., success of revegetation);
 - Long-Term Mitigation - mitigation which requires monitoring over a greater period of time (e.g., five year revegetation monitoring program).
- Column 3** **Monitor:** Identifies the County department or other public agency that is responsible for determining compliance with the mitigation measure and for informing DPW about compliance.
- Column 4** **Schedule:** The monitoring schedule depends upon the progression of the overall project. Therefore, specific dates are not used within the "Schedule" column. Instead, scheduling describes a logical succession of events (e.g., prior to construction, annual) and if necessary, delineates a follow-up program.
- Column 5** **Compliance Action:** The monitor can easily determine a mitigation measure's

Exhibit 3: Mitigated Negative Declaration and Mitigation Monitoring Plan

completion by referring to "Compliance Action". Upon satisfaction of the requirement listed in this column, the mitigation measure is considered complete.

Column 6 **Verification of Compliance:** The monitor verifies completion of the particular mitigation measure by initialing and dating in this column. Where the "Schedule" column indicates annual or other ongoing mitigation measures, verification of compliance may not occur until completion of the project. Provision of all required signatures within the Verification of Compliance column signifies conclusion of the monitoring program.

Column 7 **Remarks:** The status of ongoing and cumulative mitigation measures is to be documented during each visit. The space provided for remarks is obviously too small for the inclusion of the remarks. It is intended that this space be used to indicate whether there are specific comments pertaining to the status of the mitigation measure. If there are additional comments they are to be attached to the checklist. Progress reports are required for the revegetation program. Information provided within progress reports will be helpful in the development of future mitigation programs.

This program is to be adopted by the lead and responsible agencies upon formulation of findings in order to comply with the requirements set forth by Assembly Bill 3180 (Public Resources Code Section 21081.6).

Exhibit 3: Mitigated Negative Declaration and Mitigation Monitoring Plan

Table 1. Mitigation Measures for Sweetwater Phase III Trail Project

Mitigation Measure	Type	Monitor	Schedule	Compliance Action	Verification of Compliance	
					Initial Date	Remarks
Biological Resources						
Impacts southern willow riparian forest, southern cottonwood-willow riparian forest, southern willow scrub and coastal brackish marsh within the Sweetwater Onsite Mitigation Area (SWOMA) will be mitigated through restoration and enhancement of 0.131 acre of rogue trails (2:1 ratio) within the SWOMA . Restoration and enhancement will consist of trail closure and a replanting with native riparian species.	LT	DPW Project Biologist	After construction	Confirm the restoration or enhancement of 0.131 acre of rogue trails within the SWOMA.		
Impacts to southern willow riparian forest, southern cottonwood-willow riparian forest, southern willow scrub and coastal brackish marsh outside of the SWOMA as well as all temporary impacts (inside and outside of SWOMA) will be mitigated through restoration and enhancement of 0.313 acre of rogue trails (1:1 ratio) either within or outside of the SWOMA. Restoration and enhancement will consist of trail closure and a replanting with native riparian species.	PD	DPW Project Biologist	Prior to construction	Confirm the restoration or enhancement of 0.313 acre of rogue trails within or outside the SWOMA..		

Exhibit 3: Mitigated Negative Declaration and Mitigation Monitoring Plan

Table 1 (cont.). Mitigation Measures for Sweetwater Phase III Trail Project

Mitigation Measure	Type	Monitor	Schedule	Compliance Action	Verification of Compliance	
					Initial Date	Remarks
Biological Resources						
Vegetation removal, grading, clearing, and any construction-related activities are restricted during the breeding season (Feb. 1 to Sept. 15 of any year) within 300 feet (500 feet for raptors) of natural habitat for types of raptors, least Bell’s vireo, and other migratory birds. To reduce or avoid significant direct and indirect impacts to nesting raptor species, removal of trees or other potential nesting sites shall be avoided during the raptor breeding season of Jan. 1 to Aug. 30. If a qualified biologist determines that no nesting birds are within 300 feet (500 feet for raptors), construction may proceed with written concurrence from the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). Biological monitoring is required during construction to evaluate the potential for indirect impacts to raptors, migratory birds, and other sensitive biological resources within SWOMA.	PD	DPW Project Biologist	Prior to construction	No preconstruction surveys are required if construction occurs outside the avian breeding season (February 1 to September 15). No vegetation will be removed during the avian breeding season or, if infeasible, preconstruction surveys for nesting birds shall be conducted to identify active nests. If a qualified biologist determines that no nesting birds are within 300 feet, construction may proceed with written concurrence from the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). Biological monitoring is required during construction to evaluate the potential for indirect impacts to raptors, migratory birds, and other sensitive biological resources on site. No additional mitigation is required if no active nests are identified during the pre-construction survey.		